
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

BRANDON ONEAL DODD,

Movant,

versus

UNITED STATES OF AMERICA,

Respondent.

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CIVIL ACTION NO. 1:22-CV-386

**ORDER ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Brandon Oneal Dodd, an inmate confined within the Bureau of Prisons, proceeding *pro se*, filed this motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255. The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court.

Movant was convicted of the offenses charged in counts two and three of his indictment. In count 2 of the indictment, movant was charged with attempting to interfere with commerce by robbery. In count 3, movant was charged with discharging a firearm during and in relation to a crime of violence. In the response to the motion to vacate, the government conceded that, in light of the decision in *United States v. Taylor*, 142 S. Ct. 2015 (2022), the conviction based on count 3 of the indictment was no longer valid.


The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this motion to vacate. The magistrate judge recommends the motion to vacate be granted to the extent that the conviction for discharging a firearm during and in

relation to a crime of violence should be vacated, and dismissed in all other respects. To date, the parties have not filed objections.

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. After careful review, the court finds that the findings of fact and conclusions of law of the magistrate judge are correct.

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge (#9) is **ADOPTED**. The motion to vacate is **GRANTED** to the extent that the conviction based on count three of the indictment in case number 1:18cr95, as well as the 120 months sentence imposed as a result of that conviction, is **VACATED**. The motion to vacate is **DISMISSED** in all other respects. A final judgment will be entered.

SIGNED at Beaumont, Texas, this 26th day of April, 2023.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE